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FACSIMILE COVER SHEET

In the UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Magalie Haguët

Application No. 10/508,922

Attorney Docket No. 2002P04668WOUS

Filed: September 23, 2004

Title: METHOD AND CONTROLLER FOR THE ADAPTIVE CONTROL OF AT LEAST ONE
COMPONENT OF A TECHNICAL PLANT

Petitions Attorney: Alesia M. Brown

Art Unit: 2121

➡ **FACSIMILE ATTN TO: OFFICE OF PETITIONS**

FAX NO.: 571-273-8300

REQUEST FOR RECONSIDERATION OF DISMISSED PETITION DECISION

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
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- PTO/SB/21 Transmittal Form (1 pg)
- Request for Reconsideration of Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a) (2 pgs.)
- Declaration by Tracy Daniel In Support of Request for Reconsideration of Petition (2 pgs.)
- Copy of Docket Record – Exhibit A (1 pg.)
- Copy of Docket Record – Exhibit B (1 pg.)

Number of pages being transmitted (including this cover sheet): 8 pgs

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Siemens Corporation

Legal and Intellectual Property
Department

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PTO/SB/21 (09-04)

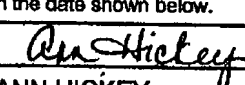
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TRANSMITTAL FORM	Application Number	10/508,922	
	Filing Date	September 23, 2004	
	First Named Inventor	Magalie Haguet	
	Art. Unit	2121	
	Examiner Name	Ronald E. Williams, Jr.	
(to be used for all correspondence after initial filing)			
Total Number of Pages in This Submission	8	Attorney Docket Number	2002P04668WOUS

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition - Response <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1) Facsimile Cover Sheet including a certificate of transmission under 37 CFR 1.8 2) Declaration by Tracy Daniel
Remarks Request for Reconsideration of Petition for Revival of Application for Patent Abandoned Unavoidably and Declaration by Tracy Daniel in Support of Request for Reconsideration are being filed.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	SIEMENS		
Signature			
Printed Name	JOHN P. MUSONE		
Date	MAY 1, 2007	Reg. No.	44,961

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	ANN HICKEY	Date	MAY 1, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT
Attorney Docket No. 2002P04668WOUS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventor: M. Haguet et al.

Serial No.: 10/508,922

Filed: 09/23/2004

Group Art Unit: 2121

Examiner: R. Williams Jr.

Title: METHOD AND CONTROLLER FOR THE ADAPTIVE CONTROL OF AT
LEAST ONE COMPONENT OF A TECHNICAL PLANT

**Attention: Office of Petitions
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir,

REQUEST FOR RECONSIDERATION OF
PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)

In accordance with 37 C.F.R. § 1.137(a) and MPEP 711.03(c), Applicants respectfully submit this request for reconsideration of its earlier petition to revive the above referenced application.

The earlier petition was dismissed for failure to make the showing required to establish non-receipt of an Office communication. In particular, the Petitions office stated that the following showing must be made:

Serial No. 10/508,922
Atty. Doc. No. 2002P04668WOUS

- (1) a statement that the Office communication was not received and attesting to the facts that a search of the file jacket and docket record indicates that the Office communication was not received,
- (2) A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in the statement, and
- (3) No circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

In response, Applicants respectfully submit: (1) the attached statement from Tracey Daniel that the Office communication was not received and attesting to the facts that a search of the file jacket and docket record indicates that the Office communication was not received, (2) a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed, and (3) that, to its knowledge, there are no circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

Therefore, Applicants respectfully request the Petition office to reconsider and grant Applicants petition for revival of an application for patent abandoned unavoidably under 37 C.F.R. § 1.137(a).

The commissioner is hereby authorized to charge the petition fee set forth in 37 CFR 1.17(m) and all other require and appropriate fees due in connection with this paper to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 5/1/07

By: 

John P. Musone
Registration No. 44,961
(407) 736-6449

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830

2002P04668US Reconsideration Petition To Revive Unavoidable.doc

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PATENT
Attorney Docket No. 2002P04668WOUS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventor:	M. Haguet et al.)	
Serial No.:	10/508,922)	Group Art Unit: 2121
Filed:	09/23/2004)	Examiner: R. Williams Jr.

Title: METHOD AND CONTROLLER FOR THE ADAPTIVE CONTROL OF AT
LEAST ONE COMPONENT OF A TECHNICAL PLANT

Attention: Office of PCT Legal Administration
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION BY TRACEY DANIEL IN SUPPORT OF
REQUEST FOR RECONSIDERATION OF
PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONDED
UNAVOIDABLY UNDER 37 CFR 1.137(a)

1. I, Tracey A. Daniel, a citizen of the United States, hereby declare and state as follows:

2. I am currently part of the Legal Administration Support within the Intellectual Property Law department of Siemens Corporation. I have been in this position for 10.5 years.

Serial No. 10/508,922
Atty. Doc. No. 2002P04668WOUS

3. As part of my duties as the Patent Assistant, I am responsible for receiving and docketing all incoming office actions from the United States Patent & Trademark Office ("Office").

4. To the best of my knowledge, the Office communication for Serial No. 10/508,922 mailed July 26, 2006 was not received by me or any other Siemens Corporation employee. A search of the file jacket and docket record where the non-received Office communication would have been stored and entered was made and the search indicates that the Office communication was not received. In particular, I reviewed the docket and electronic file jacket and Mr. John Musone (attorney of record) informed me that he personally reviewed the physical file jacket.

5. A copy of the docket record where the non-received Office communication would have been entered has it been received and docketed, is attached hereto.

6. To the best of my knowledge, there are no circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

7. All statements made herein of my own knowledge are true, and all statements made of information and belief are believed true. I acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 4-27-07

By: Tracey A. Daniel
Tracey A. Daniel

Exhibit A

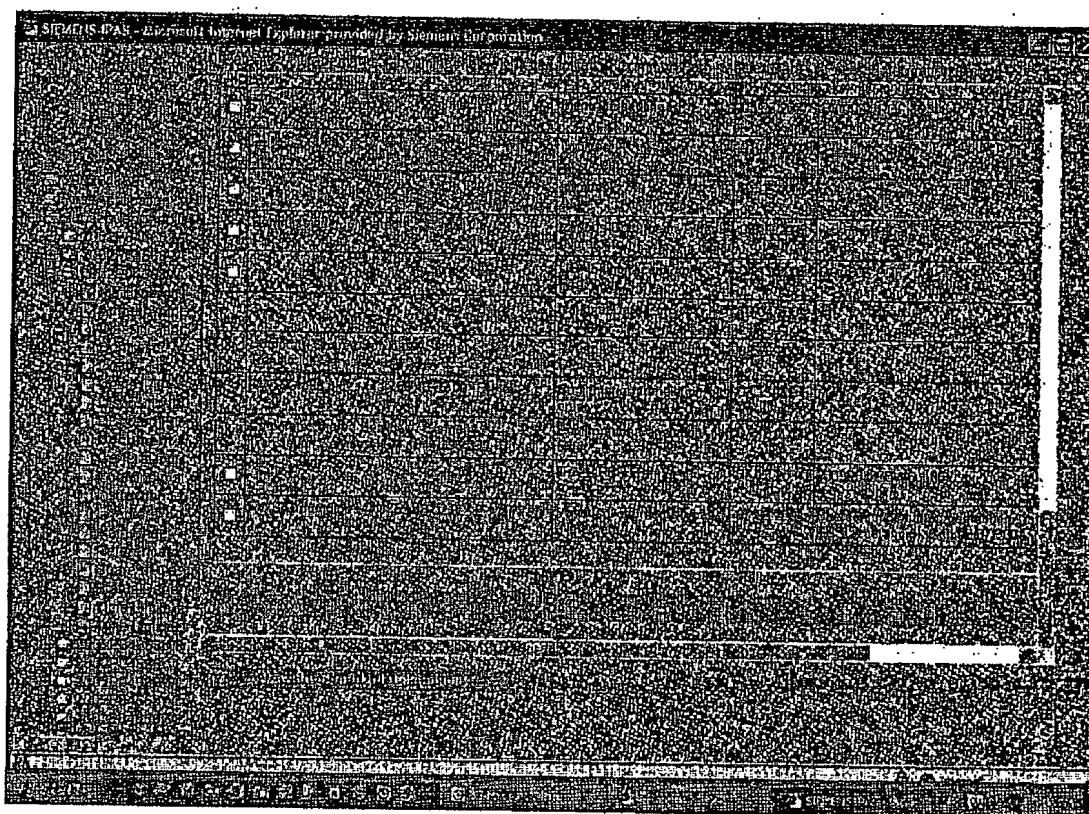
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Exhibit B

